

**CITY OF TAKOMA PARK, MARYLAND
PRESENTATION, PUBLIC HEARINGS, REGULAR MEETING, WORKSESSION
AND BUDGET WORKSESSION
OF THE CITY COUNCIL
(Adopted June 13, 2005)**

Monday, May 9, 2005

The Council convened at 7:40 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland..

OFFICIALS PRESENT:

Mayor Porter

Councilmember Austin-Lane

Councilmember Barry

Councilmember Elrich

Councilmember Mizeur

Councilmember Williams

City Manager Matthews

Deputy City Manager Hobbs

Community and Government Liaison Ludlow

Acting City Clerk Carpenter

HCD Director Daines

OFFICIALS ABSENT:

Councilmember Seamens

COUNCIL COMMENTS

Mr. Williams announced a Hospice training to be held in the Silver Spring area, June 7 - 9. For additional information, call 301-869-HOPE. Mr. Williams also noted that he and Councilmember Seamens attended a gala to honor foster parents in the area.

Ms. Austin-Lane commented on the Maple Avenue street work. Residents are concerned about the height of the speed humps. Those installed are not up to specifications and they will be redone. She said she is eager to make sure we do better in communicating with the residents.

Ms. Austin-Lane also commented on the renewed use of the electronic sign at the Takoma, DC CVS.

Ms. Matthews indicated that a package of information regarding concerns about the sign was sent to the manager on Friday.

Ms. Austin-Lane noted that a letter has been prepared, requesting security plans on transportation of hazardous materials by rail through the area. She said she hoped all Councilmembers will sign the letter. She announced the next Film Festival Committee meeting. Ms. Austin-Lane also announced the dedication of Walt Penney Field at Jequie Park this Saturday.

Ms. Porter announced that Council will meet Thursday, May 12, at 7:30 p.m. to hold an extra budget worksession.

ADOPTION OF MINUTES: July 6, 2004; July 12, 2004; April 4, 2005; April 11, 2005; April 25, 2005

Ms. Porter noted that minutes of April 18 were taken off the agenda.

Motion by Austin-Lane; second by Williams, to approve the minutes of July 6, 2004, July 12, 2004, April 4, 2005, April 11, 2005, and April 25, 2005.

The motion to approve the minutes was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Williams; ABSENT: Mizeur, Seamens).

PUBLIC COMMENTS

Jay Levy, NFZ Committee, provided a brief report on the recent UN Mayors for Peace Conference. He presented the Council with a token from the conference.

Larry Silberman, 12 Jefferson, commented on a problem with having a tree removed.

Ms. Matthews noted that City Arborist Linkletter has requested a copy of Mr. Silberman's private arborist's report (which Mr. Silberman provided tonight). She said she would look into the matter further.

Ahmed Martinez, 7611 Maple Avenue, commented on the improvements in the Maple Avenue corridor. Mr. Martinez also commented on whether the proposed budget signifies a change in City policy, away from diversity.

PRESENTATION

1. Update on the Community Center Construction Project

Ms. Matthews reported that a number of proposed change orders have been resolved and consolidated, processed as Change Order 19 for \$68,119. The projected amount had been \$83,438. The contractor's request for a time extension and issues regarding overhead and profit, are still pending. PEPCO has completed the overhead work. They are in the process of beginning the underground work. They will need to obtain a permit from SHA. The contractor has said approximately 30 days will be needed to complete the project once the permanent power is connected.

The Maple Avenue bridge and walkways will contain sidewalk gray concrete. Two city resident architects who specialize in ADA access issues, John Salmon and Jim DiLuigi, have offered to work with staff to ensure that the new building is as accessible as possible. They have suggested

that the area in front of the building should have a solid walkway, with brick pavers along the side, instead of the proposed brick walkway.

PUBLIC HEARINGS

2. Proposed FY06 Budget

Ahmed Martinez, 7611 Maple Avenue, commented on his belief that the Council has made a noticeable shift toward questionable budgetary interests. There is a shift in the policies toward diversity. The budget serves those who can afford to live here. On April 25, City Manager Matthews said an objective for the proposed FY06 budget was to continue the current level of services. Mr. Martinez commented at length on diversity issues, communication, translation of government documents, and the machine translation on the City's web page. (Statement attached.)

Robert Lanza, 7215 Cedar Avenue, thanked the City Manager for reducing the tax rate and encouraged her to continue to do so. He noted that it appears that the 2006 budget is taking in less revenue than expenditures. How will depleting the fund balance affect the tax rate?

Ms. Matthews responded that the \$2.5 million community center bond proceeds will be received in FY05. We will start spending the proceeds in FY06. About use of fund balance, it is restricted money, borrowed for street improvements. We're taking the fund balance down but it is a matter of timing between the two fiscal years.

3. Constant Yield Tax Rate

City Manager Matthews noted that the proposed budget assumes a real property tax rate of .645 per \$100 of assessed value. This rate is eight percent higher than the constant yield tax rate of .597 of assessed real property and will generate \$552,184 in additional property tax revenues. Ms. Matthews read the notice.

Robert Lanza, 7215 Cedar Avenue, commented that the difference between the constant yield and the proposed tax rate is similar to the amount of legal services overspending. He asked if there has been any progress in putting our legal services out to competitive bid.

Ms. Porter commented that Council is looking at options. We are paying a low hourly rate, according to a survey done by the Town of Somerset. We are gathering information on in-house attorney services

John Field, 7203 Central Avenue, questioned Council about reimbursement of tax revenue from the county. What are the Council's thoughts about how you see the discussions with the county and its impact on the tax rate? He asked about the abandonment of the reduction to the constant yield tax rate. Does that become the new benchmark for constant yield in out years? It is hard to rubber stamp the tax rate given this information about rebates.

Councilmembers commented on the information provided by the TASDI report and the difficulties of convincing the County to increase the payments to the City.

The Public Hearing closed at 8:32 p.m.

Ms. Porter announced that first reading of the ordinance adopting the tax rate is scheduled for May 31.

REGULAR MEETING

4. Resolution re: Police Officer of the Year.

Motion by Williams; second by Barry.

Resolution 2005-35 was adopted, designating Det./Sgt. Richard Poole as 2004 Police Officer of the Year (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Williams; ABSENT: Mizeur, Seamens).

Resolution 2005-35 (Attached)

5. Resolution re: Bike to Work Day

Motion by Austin-Lane; second by Barry.

Resolution 2005-36 was adopted, designating May 20, 2005 as Bike to Work Day in Takoma Park (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Williams; ABSENT: Mizeur, Seamens).

Resolution 2005-36 (Attached)

6. Resolution re: Siting of Gateway Signs

Ms. Daines noted that the resolution formalizes the sign locations discussed on May 2. There are still some outstanding design issues, including the logo, that must be resolved before we can have the signs ordered.

Motion by Williams; second by Barry.

Resolution 2005-37 was adopted, approving the siting of Primary Gateway and Historic District Tertiary Gateway Signage - Phase One (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Williams; ABSENT: Mizeur, Seamens).

Resolution 2005-37
(Attached)

7. 2nd Reading Ordinance re: Home Buyer's Club

Ms. Daines noted that a non-resident fee of \$210 has been established.

Motion by Williams; second by Barry.

Ordinance 2005-12 was adopted at second reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Williams; ABSENT: Seamens).

Ordinance 2005-12
(Attached)

8. 2nd Reading Ordinance re: Takoma Park Code Chapter 13.12 Parking Meters

Motion by Williams; second by Barry.

Mr. Elrich asked what do we collect from these meters.

Ms. Daines responded that it varies from location to location. We get total for all meters.

Mr. Elrich asked if the contractors who collect the meter coins can provide revenue information by meter or by area?

Ms. Daines said staff will look into this.

Ordinance 2005-11 was adopted at second reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Williams; ABSENT: Seamens).

Ordinance 2005-11
(Attached)

9. Resolution re: Cooperative Agreement with Montgomery County - CDBG

Ms. Daines indicated that Bruce Baker, Chair of the CAC, will reconvene the group in two weeks to begin outreach and solicit Council input.

Motion by Elrich; second by Mizeur.

Mr. Williams noted that the resolution includes entering into a cooperative agreement with Montgomery County for both the CDBG and HOME investment partnerships programs.

Resolution 2005-38 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Williams; ABSENT: Seamens).

**Resolution 2005-38
(Attached)**

WORKSESSION

10. Takoma Park Poet Laureate

Randy Cohen, Chair, Bodil Meleny, Emily Shillingberg, Sandra Grady, and Alice Simms were present to explain the Arts and Humanities Commission's proposal for a Takoma Park Poet Laureate. They described the process for selection of the poet laureate and her/his duties and responsibilities. The Commission is requesting \$1000 for a stipend and \$500 for other expenses for the program. The requested funding will come from the Commission's FY05 budget.

Council was supportive of the proposal. A resolution will be placed on an upcoming Council Meeting agenda.

BREAK

The Council recessed for a scheduled break at 9:03 p.m. and reconvened at 9:17 p.m.

BUDGET WORKSESSION

11. Revenues and Reserves

City Manager Matthews provided a summary of projected General Fund revenues. She noted that the CDA notified the City that they are not planning to contribute the \$10,000 for the public service worker at the Crossroads. In light of that, she is not recommending a commitment to fund the same level of attention to that area (shown in miscellaneous revenues). After discussion, Ms. Matthews agreed to follow up with the CDA to encourage them to continue to fund their contribution toward the position.

Ms. Matthews explained use of fund balance monies to balance the budget. We will use \$1.37 million of the general fund balance. Much of that is the street loan proceeds.

Council discussed reserves; payments in lieu of taxes; the WAH administrative fee, cable right-of-way fees and franchise fees; and the difference in the way the budget is presented from previous years regarding use of the fund balance, including the need to provide more details as to the fund balance.

12. Housing and Community Development, including any Special Revenue Projects

Ms. Matthews provided an overview of the HCD budget. She explained the reduction of one position in the department because the grants management function will be provided by the new Finance Director.

HCD Director Daines explained the proposal to have Montgomery County take over licensing of rental properties. The City would continue to administer the rent stabilization program and the landlord certification program. More staff time could be devoted to code enforcement complaints and to setting up the commercial inspection program. She provided a summary of COLTA administration and the changes that have been implemented with the goal of reducing the legal services costs related to the program.

Council discussed the programs in detail and requested: 1) detailed information on the rental housing license proposal; 2) further review of legal services for COLTA; 3) more information provided in the budget document about changes in the programmatic budgets; 4) the work plan for the capacity builders.

WORKSESSION

13. City Manager's Quarterly Report and Financial Update

(Reports attached: City Manager's Quarterly Report and Financial Update for the Period ending March 31, 2005.)

Ms. Matthews noted that legal services expenditures are less than for the prior fiscal year, but this is a result of some timing issues in terms of the payments. Our legal costs are fairly comparable to last year's expenditures. We will once again exceed the budget. My recommendation is that we not amend the budget in this area, to provide a clearer reporting as to how we budgeted for legal services. The legal services contract is not a fixed fee service. An hourly rate is included in the contract. It is difficult to predict the amount of legal services required in a given year. The contract with Silber and Perlman is unique and is not addressed in the Procurement Ordinance, unlike the audit services contract, for example, where the scope of services is clearly defined. The procurement chapter of the City Code is an area we would look at for future recodification, to clarify these issues.

14. FY05 Budget Amendment No. 2

Ms. Matthews described the proposed budget amendment. Highlights include: 1) the Special Revenue Fund, to account for revenues not accounted for in the FY05 budget, or where the project didn't get done and revenues rolled over; 2) the Storm Water Fund, to formalize the Council's direction on the Maple and Tulip Avenue storm water repair. Ms. Matthews noted that Council had discussed financing the Community Center with savings on health insurance premiums. She recommended against that amendment at this juncture, until the bids are received for the community plaza level.

Council concurred with the suggestion.

ADJOURN

The Council adjourned for the evening at 11:13 p.m.